

| FWS

Appln. Ser. No. 09/186,475
Atty. Dkt. No. 034536-0175

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Annie FONG et al.

Title: ***METHOD OF DETERMINING AN EFFICACIOUS DOSE OF A DRUG***

Appl. No.: 09/186,475

Filing Date: 11/4/1998

Examiner: Karen A. Canella

Art Unit: 1642

SUBSTANCE OF INTERVIEW WITH EXAMINER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Interview Summary sent by facsimile on November 22, 2004, Applicants hereby confirm the Examiner's account of the telephonic interview, dated November 16, 2004. The interview actually consisted of a short exchange of voicemail messages between the Examiner and Applicants' undersigned representative to clarify recent history in this case.

Specifically, the Examiner recounted that Tang et al. (U.S. Pat. No. 5,880,541), cited in the May 18th Office Action, is not prior art pursuant to 35 U.S.C. § 103(c). Thus, although the Examiner affirmed her previous intention to allow this application, she indicated her obligation now to expand the search of the claims in view of Applicants' earlier election of a species (compound).

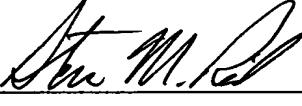
Consequently, the Examiner pledged to vacate the May 18th Office Action and issue a new Office Action, based upon the expanded search, prior to the non-extendible due date of

Appln. Ser. No. 09/186,475
Atty. Dkt. No. 034536-0175

November 18th, and to issue an interview summary stating the same in advance of that due date. Applicants agreed to this proposed course of action.

Respectfully submitted,

Date Dec. 22, 2004

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5475
Facsimile: (202) 672-5399

Steven M. Reid, Ph.D.
Representative for Applicant
Registration No. 54,393